

Moody by the positioning and functioning of the touch screen. The present invention claims a touch screen that physically covers portions of both the video display and non-video display areas of the gaming machine. The touch screen is operative over both the video display and the non-video display areas. This is in sharp contrast to Moody where the touch screen only covers the video display. FIG. 1 of Moody shows a video screen display 20 that has its boundaries clearly demarcated by a bezel, forming a substantially rectangular display. Elements 26, 28 and 47 (SECOND PAY TABLE, BET and DRAW touch screen locations) have been cited against the Applicants for the proposition that these touch screen locations are located on non-video portions of the gaming machine. Referring to Moody's FIG. 1, however, and emphasized by the outline of the video display's bezel, it is apparent that these elements are located on the video display. This is further supported and confirmed by the specification. The Moody specification states (column 3, lines 14-32):

*Fig. 1 shows a gaming machine upon which the method of the present invention can be carried out. The gaming machine includes a video screen display 20 on which are shown the playing cards that will be used during the play of the method of the present invention. The video screen display 20 also includes other information and data presented to the player to allow the player to understand the play of the game and to effect operation of the method.*

*In the preferred embodiment of the present invention, the video screen display shows a credit meter 22 and a display 24 of the number of credits bet per hand. The video screen display also has touch screen locations to allow the player to DRAW 47 replacement cards, to make his initial BET 26 and to choose a SECOND PAY TABLE 28. Each of the card locations on the video screen display can also be touch screen locations so that the player may designate which cards he wished to hold by merely touching the card location on the video screen display 20.*

The Moody specification clearly points out that the "video screen display also has touch screen locations to allow the player to DRAW 47 replacement cards, to make his initial BET 26 and to choose a SECOND PAY TABLE 28" (column 3, lines 24-27). Again, the elements (26,

28, and 47) are cited in the rejection for the proposition that they occupy touch screen locations on non-video portions of the gaming machine. This is clearly refuted by the specification which states that these elements are positioned on the video display screen. It is clear that Moody only contemplates the touch screen as covering the video display screen, and is silent with respect to overlapping the touch screen onto non-video portions of the gaming machine.

The Applicants maintain that the overlapping touch screen which covers both video and non-video portions of the gaming machine to allow players to select functions corresponding to first indicia displayed on the video portions as well as second indicia displayed on non-video portions are novel and non-obvious features over Moody.

#### **Claim Rejections - 35 U.S.C. § 103**

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moody. The Office Action states “. . . Moody teaches all the limitations of the claims . . .” The Applicants respectfully disagree.

As discussed above, Moody never suggests, contemplates, or otherwise teaches a touch screen that overlaps both the video portion and a non-video portion of the gaming machine. Although FIG. 1 of Moody, as well as the specification (column 3, lines 23-32) have been cited against the Applicants for this proposition, it is clear from both the figure and the text cited that Moody is silent with respect to a touch screen that overlaps both the video and non-video portions of the gaming machine (see Claim Rejections - 35 U.S.C. § 102 above).

Some of the more notable claimed features missing from Moody are addressed below.

Claims 1-8 all require a “unitary touch screen overlapping both said video portion and said non-video portion” and further require that “said non-video portion including player-

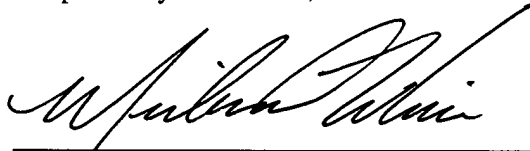
selectable second indicia selectable via said unitary touch screen.” Moody fails to teach or suggest these limitations, or anything remotely approaching these claimed features.

### **Conclusion**

It is the Applicants’ belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael L. White", is written over a horizontal line.

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